

PROBE SHIFTING TO COURTROOM

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Three Judges Will Hear
Shaw Motions Monday

District Attorney Jim Garrison's case of an alleged conspiracy to murder President John F. Kennedy moves into the courtroom on Monday and Tuesday.

A special three-judge panel will convene at 10 a. m. Monday in Criminal District Court to hear new motions presented on behalf of Clay L. Shaw, accused of participating in the alleged conspiracy.

On Tuesday, at 10 a. m. the three-judge panel — comprising Judge Bernard J. Bagert, Judge Malcolm V. O'Hara and Judge Matthew S. Braniff — will preside at a preliminary hearing to determine if there is sufficient evidence to justify bringing Shaw to trial.

Also on Monday, former Dallas taxicab driver Raymond Cummings, is expected here to answer questions in Garrison's office.

DROVE TRIO, HE SAYS

Cummings, a former policeman and presently a carpenter, claims that while he was a cab driver, he drove Lee Harvey Oswald, David W. Ferrie and another man to Jack Ruby's night club in Dallas early in 1963.

Oswald was named by the Warren Commission as the lone assassin of President Kennedy in Dallas on Nov. 22, 1963.

Garrison claims there was a conspiracy to murder Kennedy and that it involved Oswald, Ferrie, Shaw and others. Ferrie is dead. Oswald was shot and killed by Ruby on Nov. 24, 1963.

Garrison, basing his claim

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of a conspiracy on statements given his office by a confidential informant, may present his informant at the preliminary hearing Tuesday.

Judge Bagert offered the opinion last week that the informant would be called upon to testify.

MAY HEAR INFORMANT

William Gurchich, Garrison's chief private investigator, had said earlier that the informant would be available.

In a development Saturday, Sam Monk Zelden, attorney for a witness in the probe, said that to the best of his knowledge his client, Dean A. Andrews Jr., will not submit to a lie detector test.

Andrews, an assistant district attorney in Jefferson Parish, has a significant role in the case because thus far he is the only person publicly named who has had dealings with Clay Bertrand.

Garrison claims that Clay Bertrand is an alias used by Shaw, but Shaw says he has never used an alias.

REQUEST TO DEFEND

A man named Clay Bertrand, according to Andrews' testimony to the Warren Commission, called Andrews after the assassination asking him to defend Oswald.

Andrews has given conflicting accounts of the number of times he saw Bertrand as well as two different physical descriptions. He has also said he does not know if Shaw and Bertrand are one and the same.

Zelden received the request that Andrews undergo one of three "truth - verification and memory-refreshing procedures."

The request was in a letter from Asst. DA Richard Burns dated March 6.

TEXT OF LETTER

The text of the letter follows: "Dear Mr. Zelden: Subsequent to our questioning of your client, Mr. Dean Andrews, who was subpoenaed by the district attorney's office on March 1, 1967, you stated to the press that Mr. Andrews had not been asked and had not refused to submit to a polygraph examination.

"Since your client, Mr. Andrews, has been unable through failing memory, to state that Clay Shaw is not the person



—AP WIREPHOTO.
RAYMOND CUMMINGS
Due here in probe.

who contacted him immediately after the assassination of John F. Kennedy, interceding in behalf of Lee Harvey Oswald, our office has in mind several techniques and procedures which could assist in aiding his memory and arriving at the true facts.

"I request that Dean Andrews submit to his choice of any one of the following three methods of truth verification and memory refreshing procedures:

"1. Polygraph examination by a qualified expert. (A member of the New Orleans Police Department; or

"2. Sodium Pentothal (narco-synthesis), a psychiatric technique, under the supervision of the coroner of the parish of Orleans and other qualified medical expert; or

"3. Hypnosis under the supervision of the Orleans Parish coroner and another qualified medical expert.

"Any one of the examinations or techniques which Dean Andrews will submit to will be limited solely for the purpose of determining the issue outlined above.

"Nothing affecting your client's business or personal life which could in any way embarrass him and which is unconnected to this investigation would be involved.

"Please give your prompt reply."

On Friday Andrews denied knowing anything about such a request, although Zelden said

that Andrews had been fully informed of the matter.

PRELIMINARY HEARING

The preliminary hearing, set for Tuesday, is a device employed and initiated by defense attorneys in a great majority of the cases in which it is used.

In the current case, though, it was the DA's office that initiated the action. The move was a surprise since it was believed Shaw's attorneys would request the move as a matter of routine procedure.

A preliminary hearing is designed to show probable cause that a crime has been committed and that the evidence held by the state is either sufficient to bind the accused over for trial, or insufficient, in which case the defendant may be discharged.

TESTIMONY RECORD

When the state files for a preliminary hearing, it gives a prosecutor the chance to perpetuate testimony in the form of official notes taken by the court reporter.

This is important in the event that one of the witnesses should die or disappear when the actual trial is held.

When the defense makes the bid for the preliminary hearing, it is the contention that the presumption of innocence is great in behalf of the defendant and that he should be released.

In either case, it is the state's responsibility to furnish substantial proof that the defendant should be bound over for an actual trial.

COULD STILL FILE BILL

It has been pointed out that even if the three-man court should order the defendant discharged, the state could still file a bill of information later charging him with the offense.

Shaw's attorneys have been granted permission to take photographs at the apartment of Ferrie at 3330 Louisiana ave. pkwy. Ferrie died of natural causes here Feb. 22 while under investigation in connection with the probe, according to the coroner.

Garrison claims that an alleged meeting between Shaw, Ferrie and Oswald took place at Ferrie's apartment. Shaw maintains he did not know either man.

Shaw was arrested March 1

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Probe Moving Into Courtroom

and released the same night on a \$10,000 bond. He is the former managing director of International Trade Mart.